

Tennessee Municipal Ordinances

Section 6-201

Unless otherwise authorized or directed in this code or other applicable law, and arrest of the person shall be made by a policeman in the following cases:

- (1) Whenever he is in possession of a warrant for the arrest of the person.
- (2) Whenever a crime is committed or the peace is threatened in the officer's presence by the person.
- (3) Whenever a felony has in fact been committed and the officer has probable cause to believe the person has committed it.

Tennessee Constitution

Article 1. Section 2: Doctrine of nonresistance condemned.

That the government being instituted for the common benefit, the doctrine of non-resistance against arbitrary power and oppression is absurd, slavish and destructive of the good and happiness of mankind.

Article 1. Section 7: Unreasonable searches and seizures – General warrants.

That the people shall be secure in their persons, houses, papers and possessions, from unreasonable searches and seizures; and that general warrants, whereby an officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Article 1. Section 8: No man to be disturbed but by law.

That no man shall be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers or by the law of the land.

Article 1. Section 9: Right of the accused in criminal prosecutions.

That in all criminal prosecutions, the accused has the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof, to meet the witnesses face to face, to have compulsory process for obtaining witnesses in his favor, and in the prosecutions by indictment or presentment, a speedy public trial, by an impartial jury of the County in which the crime shall have been committed, and shall not be compelled to give evidence against himself.

Article 1 Section 13: Treatment after arrest.

That no person arrested and confined in jail shall be treated with unnecessary rigor.

Article 1 Section 17: Open courts – Redress of injuries – Suits against the State.

That all courts shall be open; and every man, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right justice administered with sale, denial, or delay. Suits may be brought against the State in such manner and in such courts and the Legislature may be law direct.

Article 1 Section 21: No man's services or property taken without consent or compensation.

That no man's particular services shall be demanded, or property taken, or applied to public use, without consent of his representatives, or without just compensation being made therefore.

Article 1 Section 32: Safe treatment of prisoners.

That the erection of safe and comfortable prisons, the inspection of prisons, and the humane treatment of prisoners shall be provided for.

Constitution of the State of Tennessee. Schedule: Section 3: Oath of office mandatory.

Every Judge and every officer of the executive department of this State and every Sheriff holding over under this Constitution, shall, within twenty days after the ratification of this Constitution is proclaimed, take an oath to support the same, and the failure of any officer to take such oath shall vacate his office.

**DISTRICT PUBLIC DEFENDER'S OFFICE
EIGHTH JUDICIAL DISTRICT
STATE OF TENNESSEE**

**MARTHA YOAKUM
DISTRICT PUBLIC DEFENDER**

**COUNTIES:
CAMPBELL
CLAIBORNE
FENTRESS
SCOTT
UNION**



June 21, 2004

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Mr. Rustin Jackson
108 Chapman Lane
Jacksboro, TN 37757

Re: Your Case No. CM150714, CM 149133, General Sessions Court

Dear Mr. Jackson:

I have received your letter dated June 18, 2004 and this is my response.

First, as far as the speedy trial you had requested, that was not feasible due to the fact that you were going through the procedure of being evaluated and that took some time to do. I have enclosed a copy of the finding of Lakeshore as to the status of your competency to stand trial. As it states in the letter, you can use the insanity defense if you should proceed to trial.

Second, discovery is not produced by the State until the case is set for trial, which in your case it has not been. You have not yet had a preliminary hearing. Your hearing is now scheduled for July 20, 2004 at 1:10 PM. You will need to be in court at 12:10 PM which is one hour earlier than your prelim is set for. If you have a preliminary hearing and your case is bound over to the Grand Jury, then that will be in October. If you are indicted then your case will be set for trial, we can, at that point, request discovery in your case. Of course, there is also the possibility that your charges could be dismissed all or in part.

We will talk with you on your court date. However, if you wish to schedule an appointment to discuss these matters prior to your court date, then please call this office and do so.

If you have any other questions or concerns regarding this matter please call our office.

Yours truly,

**GLORIA LEE
INVESTIGATOR
Enclosure**